

(b) Discrimination on the ground of race, color, religion, sex, national origin, age, disability, or political affiliation or belief is prohibited in employment practices in the administration of, or in connection with, any JTPA-funded program or activity.

(c) *Employee selection procedures.* In implementing this section, a recipient shall comply with the Uniform Guidelines on Employee Selection Procedures, 41 CFR part 60-3.

(d) *Standards for employment-related investigations and reviews.* In any investigation or compliance review, the Director shall consider EEOC regulations, guidelines and appropriate case law in determining whether a recipient has engaged in an unlawful employment practice.

(e) As provided in § 34.1(c)(2) of this part, this rule does not affect in any way the obligation of recipients to comply with subparts B and C and appendix A of 29 CFR part 32, implementing the requirements of section 504 pertaining to employment practices and employment-related training, program accessibility, and accommodations. Therefore, this section should not be understood to constitute an exhaustive list of employment-related nondiscrimination and equal opportunity obligations on the ground of disability.

(f) Recipients that are also employers covered by titles I and II of the ADA should be aware of obligations imposed pursuant to those titles. See 29 CFR part 1630 and 28 CFR part 35.

(g) This rule does not preempt consistent State and local requirements.

§ 34.8 Intimidation and retaliation prohibited.

A recipient shall not discharge, intimidate, retaliate, threaten, coerce or discriminate against any person because such person has: filed a complaint; opposed a prohibited practice; furnished information; assisted or participated in any manner in an investigation, review, hearing or any other activity related to administration of, or exercise of authority under, or privilege secured by, the nondiscrimination and equal opportunity provisions of JTPA or this part; or otherwise exercised any rights and privileges under

the nondiscrimination and equal opportunity provisions of JTPA or this part. The sanctions and penalties contained in section 167 of JTPA or this part may be imposed against any recipient that engages in any such proscribed activity or fails to take appropriate steps to prevent such activity.

§ 34.9 Designation of responsible office; rulings and interpretations.

(a) The Directorate of Civil Rights (DCR), in the Office of the Assistant Secretary for Administration and Management, is responsible for administering and enforcing the nondiscrimination and equal opportunity provisions of JTPA and this part and for developing and issuing policies, standards, guidelines and procedures for effecting compliance.

(b) The Director shall make any rulings under or interpretations of the nondiscrimination and equal opportunity provisions of JTPA or this part.

§ 34.10 [Reserved]

§ 34.11 Effect of other obligations or limitations.

(a) *Effect of State or local law or other requirements.* The obligation to comply with the nondiscrimination and equal opportunity provisions of JTPA or this part shall not be obviated or alleviated by any State or local law or other requirement that, on a prohibited ground, prohibits or limits an individual's eligibility to receive services, compensation or benefits, to participate in any JTPA-funded program or activity, or to be employed by any recipient, or to practice any occupation or profession.

(b) *Effect of private organization rules.* The obligation to comply with the nondiscrimination and equal opportunity provisions of JTPA and this part shall not be obviated or alleviated by any rule or regulation of any private organization, club, league or association that, on a prohibited ground, prohibits or limits an individual's eligibility to participate in any JTPA-funded program or activity to which this part applies.

(c) *Effect of the availability of employment opportunities.* The availability of future employment opportunities, or